

NEW JERSEY DEPARTMENT OF CORRECTIONS

CODE OF ETHICS

The purpose of this Code of Ethics is to provide an outline of the ethical standards that apply to employees of the New Jersey Department of Corrections (Department) regarding their conduct with persons served by the institutions and agencies of the Department, the families of such persons, the general public, and with vendors and other persons and organizations that have a relationship, compensated or uncompensated, with the Department.

The Department Code of Ethics is promulgated in accordance with the mandates of the New Jersey Conflicts of Interest Law (Conflicts Law), N.J.S.A. 52:13D-12 et seq., and applicable rules of the Executive Commission on Ethical Standards (Commission) N.J.A.C. 19:61-1.1 et seq., following approval of the Code of Ethics by the New Jersey Executive Commission on Ethical Standards (Commission) on , 2003. Any provision of the Conflicts Law or applicable rules of the Commission that may not be expressly contained in this Code of Ethics is applicable nonetheless to all Department employees. In the event of any conflict between a provision of this Code of Ethics and the Conflicts Law or applicable rules of the Commission, the Conflicts Law or the rules of the Commission shall prevail.

The Code of Ethics uses the term “employee(s)” to refer to a State officer or employee and Special State officer and employee, as those terms are intended in the Conflicts Law. The Code of Ethics applies to all Department employees, whether sworn or civilian. Employees also must adhere to all other applicable Department policies, state laws and regulations and other professional codes of ethics.

Compliance with this Code of Ethics is a condition of employment for all persons employed by the Department, as required by law. This Code of Ethics may be amended at the sole discretion of the Department, subject only to review by the Commission, as may be required.

An employee may request clarification of any provision of the Code of Ethics from the Department Ethics Liaison Officer or from the Commission.

This Code of Ethics is hereby promulgated effective March 17, 2004. This Code of Ethics supersedes and replaces any prior codes of ethics promulgated by the Department of Corrections.

I. General Principles

The Department operates to serve the public interest. All Department employees must conduct themselves in a manner that fosters the respect, trust and confidence of the public. Employees must avoid any activity that is a conflict of interest or that reasonably appears to the public to create a conflict of interest. This Code of Ethics is promulgated in furtherance of the public policy considerations set forth in the Conflicts Law:

(a) In our representative form of government it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must therefore avoid conduct which is a violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.

(b) To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. Some standards of this type may be enacted as general statutory prohibitions or requirements; others, because of complexity and variety of circumstances, are best left to the governance of codes of ethics formulated to meet the specific needs and conditions of the several agencies of government.

(c) It is also recognized that under a free government it is both necessary and desirable that all citizens, public officials included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed.

II. Ethical Standards of Conduct for Employees

Consistent with the Conflicts Law, the conduct of each employee must meet the following standards of conduct:

1. No employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for the employee or others.

2. No employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of the employee's duties in the public interest.
3. No employee shall engage in any particular business, profession, trade or occupation, which is subject to licensing or regulation by a specific agency of the State of New Jersey, without promptly filing notice of such activity, with the Executive Commission on Ethical Standards, with copy to the Department Ethics Liaison Officer.
4. No employee shall act in his official capacity in any matter in which the employee has a direct or indirect personal financial interest that might reasonably be expected to impair the employee's objectivity or independence of judgment.
5. No employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair the employee's objectivity and independence or judgment in the exercise of this official duties.
6. No employee shall accept any gift, favor, service or other thing of value under circumstances from which it might reasonably be inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the employee in the discharge of the employee's official duties.
7. No employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of the employee's acts that the employee may be engaged in conduct that violates the public trust placed in the employee.

III. Ethical Performance of the Duties of Employment

In addition to and consistent with the Ethical Standards set forth above, all employees shall adhere to the following requirements:

1. Employees may not use their official position to secure unwarranted privileges, benefits, or advantages for themselves or for another.

2. Employees may not perform their official duties in any manner that favors or creates the impression of favoritism based upon a personal or family relationship. A supervisor will not supervise a subordinate with whom the employee has either a family relationship or a romantic relationship.
3. Employees may not engage in conduct which constitutes undue familiarity with an inmate or an inmate's family member either through special benefits permitted an inmate or an inmate's family member, tangible property given to an inmate or an inmate's family member, engaging in conversations of a personal nature with an inmate or an inmate's family member, or sexual conduct or contact with an inmate or an inmate's family member. Physical contact with an inmate or an inmate's family member shall be limited to the contact necessary to perform official duties.
4. Employees may not use Department personnel, property or supplies or information in any manner for the purpose of furthering private interests or to satisfy private obligations.
5. Employees may not use information they obtain in the course of performing their duties for unauthorized purposes.
6. Employees may not disclose confidential information that is not available to the public and that is acquired in the course of the employee's duties or by virtue of the employee's employment, unless the recipient of the information is another employee expressly designated to receive such confidential information. Under no circumstance may an employee disclose confidential information in furtherance of a private purpose. It is the responsibility of the employee to determine whether the information is confidential before divulging the information.
7. Employees shall not falsify, knowingly alter, destroy or conceal any writing or record or other form of information or evidence required to be kept by law or regulation or by Department policy whether or not such writing, record, information or evidence is entrusted to the employee in the course of the employee's official duties.
8. No employee shall attempt to acquire or acquire any information pertinent to the official business of the Department, in either written or oral form, unless that employee has been expressly designated by another with requisite authority to authorize release of such information to the employee.

9. Employees are required to cooperate truthfully and fully in any official investigation conducted by the Department or any department, agency, board or other entity of the State of New Jersey, county or municipality in the State of New Jersey.
10. Employees shall deal in a fair, nondiscriminatory, unbiased and impartial manner in all interactions with other employees, inmates, members of the public and others having business with the Department.
11. Employees shall refrain from the performance of any conduct that conflicts with or may result in a conflict with their official duties as employees or with the interests of the Department.
12. Employees may not permit the use of their official title in fund raising activities on the part of a private organization.
13. Employees may not use their official title of employment or the fact of employment by the Department or the State of New Jersey for the purpose of promoting or advertising any activity apart from the performance of their official duties regardless of whether such other activity is prohibited or permitted by this Code of Ethics.
14. Employees are permitted to appear before the legislature in a private capacity.

IV. Outside (Secondary) Employment and Activities

Employees are not permitted to undertake any employment, self-employment, or service, whether compensated or not, that might reasonably be expected to impair the objectivity and independence of judgment required in public employment or that might reasonably be expected to interfere with the operation of the Department:

1. No employee shall engage in outside employment, compensated or not, without first submitting a written request to the Department Ethics Liaison Officer, or other designated person, detailing the nature of the employment and securing approval to engage in the outside employment. The approval of such outside activity shall not be withheld unreasonably.
2. Outside employment must be disclosed annually through a written request to continue the activity approved the prior year.

3. Employees may engage in volunteer activities on behalf of nonprofit charitable, religious, sports, professional and other nonprofit organizations provided such activities would not reasonably be expected to cast material doubt on their objectivity and independence of judgment in the exercise of their official duties.
4. An employee in a private capacity may publish any work or give any speech which would not be expected reasonably to cast material doubt on the employee's objectivity and independence of judgment in the exercise of the employee's official duties. When publishing any work or giving any speech in a private capacity under circumstances which permit the employee to identify employment with the Department, the employee shall declare in writing or orally, as appropriate, that the views expressed are those of the employee and do not reflect the view of the Commissioner of the Department, the Department or any official or agency of State Government. Any statements to the media by an employee shall be in compliance with the separate Department policy addressing that activity.
5. An employee may not represent, appear for, negotiate on behalf of, any person or party other than the State of New Jersey in connection with any cause, proceeding, application or other matter before any State agency, except in the limited and specific exceptions provided by the Conflicts Law. This prohibition does not prevent a union representative recognized by the Department as a representative of a bargaining unit from representing persons within that bargaining unit.
6. The time spent by an employee on approved outside employment or activities may not conflict with the employee's regular work hours; nor may an employee refuse a directive to work overtime on the basis of approved outside employment or activity.
7. An employee is not permitted to engage in an approved outside employment or activity during the hours the employee is on duty; nor may the employee use State personnel, equipment or supplies in furtherance of the approved outside employment or activity.

V. Political Activities

1. No employee may accept directly, or through a spouse or family member, any favor, gift, service or offer of employment or other thing of value which the employee knows or has reason to believe is offered with the intent to influence the employee in the performance of the employee's duties and responsibilities.
2. Any employee who holds appointive or elective public office or who intends to hold or run for appointive or elective office shall give written notice of such activity to the Department Ethics Liaison Officer. The Department Ethics Liaison Officer shall provide the employee with information regarding applicable conflict of interest standards.
3. No employee may solicit or receive political campaign contributions in the workplace or solicit or receive, directly or indirectly, such campaign contributions in exchange for any service, advice, assistance or other matter related to the employee's official duties.
4. No employee shall directly or indirectly use or seek to use the employee's official position or status as a State employee to affect the political activity of another employee or to engage in political activity during working hours or otherwise in the workplace.
5. No employee may engage in political activity during hours of employment or at any other time in the workplace.
6. No employee may use State personnel, property or equipment, including but not limited to telephones, fax machines, photocopiers, paper or other supplies, or a state vehicle, in support of or in furtherance of a political activity or political candidate.
7. No employee may use official stationery to promote a candidate for elective office nor may an employee use official stationery to express an opinion regarding a political matter.
8. No employee may use or publish his or her official title or rank when performing any political activity.

VI. Attendance at Events

“Interested party” is defined to mean: (1) any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the Department; (2) any supplier, or employee, representative or agent thereof; (3) any organization that advocates or represents the positions of its members to the Department; or (4) any organization a majority of whose members are as described in subsections (1) through (3) herein.

“Event or function” shall mean a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the employee’s work location, is sponsored by or co-sponsored by a non-State government source and the invitation is extended to the employee because of his/her official position.

An employee shall not attend as an invited guest at any event or function from which it might reasonably be inferred that the purpose of the invitation was to influence the employee in the discharge of official duties or in circumstances from which it might reasonably be inferred that subsequent official actions by the employee impermissibly favors the party that extended the invitation. Attendance at events is subject to the following requirements:

1. An employee must secure prior written approval from the Department Ethics Liaison Officer to attend an event whether the event is sponsored by an “interested party” or by an entity other than an interested party. The Department Ethics Liaison Officer shall be guided by the standards promulgated by the Commission in assessing requests for approval for attendance at events.
2. If approved by the Department Ethics Liaison Officer, an employee may pay his/her expenses associated with attendance at an event sponsored by an “interested party” with personal funds. The full cost of attendance must be paid by the employee and proof of payment retained by the employee. Except as provided in paragraph 3. Below, when an employee receives approval from the Department Ethics Liaison Officer to attend an event sponsored by an “interested party” as a representative of the Department, the Department shall pay the reasonable expenses of the employee associated with attending the event. Neither the employee nor the Department shall receive any direct or indirect benefit from any other source. The employee is not permitted to accept an

honorarium or fee for a speech or presentation at an event sponsored by an “interested party”.

3. When the Department Ethics Liaison Officer approves an employee’s attendance at an event sponsored by an “interested party” designed to provide training, dissemination of information, or the exchange of ideas and the employee is making a speech, is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant, direct or indirect benefits provided to the employee by the sponsor of the event may be accepted provided they are identical to the benefits provided to other speakers or panel participants. Approvals granted under this paragraph shall be forwarded to the Commission for review.
4. When the Department Ethics Liaison Officer grants approval to an employee to attend an event sponsored by an entity other than an “interested party” the Department may pay the reasonable expenses of the employee associated with attending the event or may permit the employee to accept direct or indirect benefits. (An “interested party” should not provide a direct or indirect benefit to the employee to facilitate his/her attendance). An employee making a speech or presentation at the event may accept an honorarium or fee from the sponsor. Under no circumstances shall the employee accept entertainment collateral to the event, such as a golf outing, or meals taken other than in a group setting with all attendees, or reimbursement therefor.

VII. Acceptance of Gifts

Employees are paid a salary to perform their official duties. Generally, employees are not permitted to accept a gift, favor, service or other thing of value from a vendor or other interested party.

1. Upon offer of a gift, favor, service or other thing of value, the employee is to decline the offer unless prior approval is received from the Department Ethics Liaison Officer permitting the employee to accept the gift, favor, service or other thing of value.
2. Upon receipt of a gift or other thing of value that the employee did not have the opportunity to first decline, the employee is to report the event to the Administrator at an institution and the Administrator will forward the report to the Department Ethics Liaison Officer. Employees at Central Office will report the event through their supervisor to the Department Ethics Liaison Officer. The gift should be returned to sender, with a letter stating that

pursuant to the Code of Ethics applicable to State employees, the gift cannot be accepted.

3. Upon receipt of a gift, favor, service or other thing of value, the employee is not permitted to keep the item, may not give it to another employee or to a person or organization outside of the workplace. In the event the gift or other thing of value is edible, it is not to be consumed.
If the gift is a perishable item, it may either be returned to the sender or donated to a charitable organization. A letter should accompany the gift to advise the charitable organization that the gift received (indicate organization/source) cannot be accepted by the State employee and is being donated to the charitable organization. A copy of the letter should be provided to the sender of the gift and the Ethics Liaison Officer.
4. If the gift, favor, service or other thing of value is determined to be de minimis upon review by the Department Ethics Liaison Officer, the employee may be permitted to keep the item.

VIII. Business Transactions

The Commissioner, Chief of Staff, Deputy Commissioner and Assistant Commissioners are prohibited from engaging in any private business transactions with employees of the Department of Corrections.

IX. Post Employment Restrictions

Upon separation from State Service, the following restrictions apply the employee and to any partnership, firm, or corporation in which the employee has an interest as well as through any partner, officer, or employee of that partnership, firm or corporation:

1. Upon separation from State service, an employee shall not agree to nor in fact represent, appear for, or negotiate on behalf of another person or party with the State of New Jersey its departments or agencies regarding any cause, proceeding, application or other matter with respect to which the employee conducted an investigation, rendered any ruling, gave any opinion or in which the employee was substantially and directly involved during the course of State service.
2. Upon separation from State service, an employee shall not disclose to others information learned in the course of State service if the information is not already within the public domain.

3. Upon separation from State service, an employee who was required by law or executive order to file an annual financial disclosure statement shall not hold any interest in or employment with any casino license holder or applicant for a casino license for a period of two years following the date of separation from State service.

X. Violation of the Code of Ethics

1. Violation of any provision of this Code of Ethics or the Conflicts Law is cause for discipline, up to and including removal and a five year disqualification which prohibits the employee from holding any public office or employment. Any penalty is subject to approval by the Commission.
2. An employee who witnesses behavior that may constitute a violation of the Conflicts Law and the Code of Ethics may report this information in writing to the Department Ethics Liaison Officer at Central Office. An employee who makes a good faith report of a code of ethics violation is protected from retaliation under the Conscientious Employee Protection Act.

XI. Request for Advice

An employee who needs guidance to determine whether certain activity may be prohibited by the Code of Ethics may send a formal written request for advice to the Ethics Liaison Officer at Central Office. The written request (email not permitted) should set forth all relevant facts to enable an accurate assessment of the issues and potential conflict of interest. An employee has the option to seek an opinion directly from the Executive Commission on Ethical Standards and may also request that the Executive Commission on Ethical Standards review the advice rendered to the employee by the Ethics Liaison Officer.

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